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UNILEVER UNITED STATES, INC.
8 and PEPSI/LIPTON TEA PARTNERSHIP

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 AMY MAXWELL, individually and on behalf
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 UNILEVER UNITED STATES, INC. and
18 PEPSI LIPTON TEA PARTNERSHIP,

19 Defendants.
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Case No. C12-01736-EJD

CLASS ACTION

JOINT STATUS REPORT

Judge: Hon. Edward J. Davila
Action Filed: April 6, 2012

1 Amy Maxwell (“Plaintiff”) and defendants Unilever United States, Inc., the Pepsi/Lipton
 2 Tea Partnership, and PepsiCo, Inc.¹ (“Defendants”) submit this Joint Status Report in response to
 3 this Court’s Order of December 8, 2017 (Dkt. 122), staying the action with respect to Plaintiff’s
 4 claims against Lipton tea products manufactured and distributed by the Pepsi Lipton Tea
 5 Partnership pending completion of FDA proceedings regarding use of the term “natural” in food
 6 labeling. The Court’s December 8, 2017 Order requested an update on the relevant proceedings
 7 before the U.S. Food and Drug Administration (“FDA”).

8 As of April 5, 2018, FDA has not yet formally issued any guidance on the use of
 9 “natural.” On March 29, 2018, FDA Commissioner Scott Gottlieb addressed the comments
 10 regarding the use of “natural” in his announcement of the FDA’s Nutrition Innovation Strategy.
 11 (Reducing the Burden of Chronic Disease, Remarks by Scott Gottlieb, M.D., Commissioner of
 12 Food and Drugs National Food Policy Conference (last updated March 29, 2018), *available at*
 13 <https://www.fda.gov/NewsEvents/Speeches/ucm603057.htm>.) Commissioner Gottlieb noted
 14 “[m]ore than 7,600 comment came in, and we’ve reviewed them.” (*Id.*) Commissioner Gottlieb
 15 also noted that FDA recognized the “wide differences in beliefs regarding what criteria should
 16 apply for products termed ‘natural’” and that FDA would have “more to say on the issue soon.”
 17 (*Id.*)

18 The parties have met and conferred and agree that it would be appropriate to continue the
 19 stay in this case until FDA has formally issued guidance on the use of “natural.” As per the
 20 Court’s December 8, 2017 Order, the parties will file a joint status report on August 6, 2018,
 21 unless FDA issues formal guidance before that date.

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 26 ¹ This Court dismissed the claims against Defendant PepsiCo, Inc.’s carbonated soft drinks on
 27 March 29, 2018. (Dkt. 133.) PepsiCo, Inc. joins with the other Defendants in this report to the
 28 extent Plaintiff asserts claims against PepsiCo, Inc. based on its alleged involvement with the
 products of the Pepsi/Lipton Tea Partnership. (*See, e.g.*, TAC ¶¶ 27–29.)

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3 Dated: April 6, 2018

BEN F. PIERCE GORE
PRATT & ASSOCIATES

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5 By: /s/ Ben F. Pierce Gore
Ben F. Pierce Gore

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7 Attorneys for Plaintiff
AMY MAXWELL

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11 Dated: April 6, 2018

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17 and PEPSI/LIPTON TEA
18 PARTNERSHIP

19 Dated: April 6, 2018

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22 By: /s/ Timothy W. Loose
Timothy W. Loose

23 Attorneys for Defendant
24 PEPSICO, INC.

ECF ATTESTATION

I, Claudia M. Vetesi, am the ECF User whose ID and password are being used to file the following: **JOINT STATUS REPORT**. In compliance with General Order 45, X.B., I hereby attest that Timothy Loose and Ben F. Pierce Gore have concurred in this filing.

Dated: April 6, 2018

WILLIAM L. STERN
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

By: /s/ Claudia M. Vetesi
CLAUDIA M. VETESI